

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

LYNN GALIZIA,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
FOCUS RECEIVABLES MANAGEMENT,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

LYNN GALIZIA (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against FOCUS RECEIVABLES MANAGEMENT, (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Illinois, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

6. Declaratory relief is available pursuant to 28 *U.S.C.* 2201 and 2202.

PARTIES

7. Plaintiff is a natural person residing in South Elgin, Kane County, Illinois.
8. Plaintiff is a consumer as that term is defined by 15 *U.S.C.* 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C.* 1692a(5).
9. Defendant is a debt collector as that term is defined by 15 *U.S.C.* 1692a(6), and sought to collect a consumer debt from Plaintiff.
10. Plaintiff is informed and believes, and thereon alleges, that Defendant is a national company with a business office in the Marietta, Georgia.
11. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

12. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt owed on a DirecTV account.
13. Defendant constantly and continuously places collection calls to Plaintiff at her place of employment despite having knowledge that Plaintiff cannot accept such calls.
14. Defendant constantly and continuously places collection calls to Plaintiff at the number (847) 590-7091 and (847) 695-5554.
15. Defendant places up to three (3) collection calls to Plaintiff every day.
16. Defendant uses rude and abusive language while seeking and demanding payment. Specifically, Defendant stated “you’re out of luck, you’re going to pay us or this is going on your credit report.”

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(1) of the FDCPA by calling Plaintiff at her place of employment, a place known to be inconvenient to Plaintiff.
- b. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at her place of employment even though Defendant knew that Plaintiff's employer prohibits the consumer from receiving such communications.
- c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff.
- d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- e. Defendant violated §1692e(10) of the FDCPA by engaging in deceptive means to attempt to collect a debt by contacting Plaintiff at her place of employment.

WHEREFORE, Plaintiff, LYNN GALIZIA, respectfully requests judgment be entered against Defendant, FOCUS RECEIVABLES MANAGEMENT, for the following:

- 18. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- 19. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 20. Actual damages,
- 21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Date: 3/9/2010

By: _____/s/ Adam J. Krohn

[] Adam J. Krohn

[] Adam T. Hill

Attorneys for Plaintiff

Krohn & Moss, Ltd.

120 W. Madison Street

10th Floor

Chicago, IL 60602

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, LYNN GALIZIA, demands a jury trial in this case.

Plaintiff, LYNN GALIZIA, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LYNN GALIZIA, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2/24/10
Date

Lynn Galizia
LYNN GALIZIA